



విజయనగరం జిల్లా రాజపత్రము

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అధికారమువలన ప్రచరించబడినది.

నెం. 4

విజయనగరం, 2011వ సంవత్సరము, జూలై నెల, 4వ తేది, సోమవారము

విషయ సూచిక

కలెక్టరువారి ప్రకటనలు

9-14

కలెక్టరువారి ప్రకటనలు

Copy of :-

PROCEEDINGS OF THE COLLECTOR & DISTRICT MAGISTRATE, VIZIANAGARAM

Present : Sri M. VEERABRAHMAIAH, I.A.S.,

Sub: CASTE VERIFICATION- Vizianagaram District-Parvathipuram Mandal- Enquiry on the Social status of Sri Madaka Narendra Kumar, S/o late Venkata Rao, Salur Mandal & Town, Kanda Kapu (ST) -Cancellation orders-issued.

- Read :
1. R.C. No. 42/2008/L dated 4-2-2010 of Revenue Divisional Oficer, Parvathipuram.
 - 2 Findings of District Level Scrutiny Committee on Kanda Kapu (ST) social status of Sri M. Narendra Kumar, S/o late Venkata Rao on 21-1-2011
 - 3 SR. No. 794/H4/2011, dated 7-2-2011 Petition of the individual in Grievance Cell.
 - 4 This office Rc. No. 165/201/C5, dated 9-2-2011 (Notice)

ORDER :-

In the reference 1st read above, the Revenue Divisional Oficer, Parvathipuram has submitted report on the Kanda Kapu (ST) social status of Sri M. Narendra Kumar, S/o late Venkata Rao of Salur town, who was appointed under compassionate grounds on 1-2-2010 in the ofice of the Joint Director of Agriculture, Vizianagaram.

The grand father of Sri Madaka Narendra Kumar, viz., Madaka Balaji migrated from "Hatseskal village" of Rayagada Taluk in Orissa state in the year of 1962 and settled in Salur Town permanently. They belong to "Konda Kapu" caste in Orissa state which comes under socially and Economically Backward Classes (SEBC) in Orissa state as per G.O.No. 25455, dated 10-09-1993 of Government of Orissa. As the same caste i.e., "Konda Kapu" comes under "Scheduled Tribe" category in the state of Andhra Pradesh, they have applied for the S.T. "Konda Kapu" certificate in Salur to the Tahsildar, Salur, but the same is stated to have been rejected by the Tahsildar, Salur in D.Dis. No. 294/81, C1, dated 27-11-1981 on the ground that there are no "Konda Kapu" caste people in Vizianagaram District.

The Revenue Divisional Officer, Parvathipuram stated that during the enquiry on 01-02-2010, Sri Madaka Balaji and his grand son Sri Madaka Narendra Kumar S/o late Venkata Rao have attended the enquiry and the enquiry reveals as follows. Sri Madaka Balaji has stated that they are following the traditions and customs of Scheduled tribe of Orissa state. They are also stated to have been worshipping "Agni Gangamma" of Neelavadi village of Orissa State. Sri Madaka Balaji is having four sons and one daughter and their details and their marital status is as shown below as per his written statement recorded during the enquiry.

Sons :-

- 1) Madaka Venkata Rao :- He married to "Thota Laxmi" D/o Thota Laxmana Rao, "Kapu" by caste and Bobbili town and Mandal. He died on 20-03-2007 while working as Sub Inspector of Police and he is the father of Madaka Narendra Kumar.
- 2) Madaka Sanyasi Rao :- He married to "Penki Jayalaxmi" D/o Penki Appalaswamy, "Gajulakapu" Caste, J.K. Pur, Rayagada. He is working in SBI, Narsapuram.
- 3) Madaka Sankara Rao :- He died on 26-10-1996 without Marriage.
- 4) Madaka Gowri Prasad :- He married "Bangaru Laxmi, D/o Tarlada Lakshmana Rao of Salur town belongs to "Turpu Kapu" caste. He is working in G.C.C.

Daughter :- Madaka Rama Bhavani D/o Balajee married with Mahanthi Rambabu of "Gajula Kapu" caste which comes under B.C-D

Further, he stated that while residing in Saluru, in 1980 he applied for issue of Konda Kapu ST Caste Certificate to the Tahsildar, Saluru and Collector, Vizianagaram. The then Tahsildar, Salur has rejected his application by stating that there is no Konda Kapu Community people residing in Vizianagaram District.

Sri Madaka Narendra Kumar has stated that the same state of things, what his grand father told during enquiry by Revenue Divisional Officer, Parvathipuram.

The Revenue Divisional Officer, Parvathipuram has further reported that as the matter stood thus, it has been addressed to the District Collector, Rayagada District of Orissa state vide their office Rc.No. 42/08, L. dated 20-09-2008 requesting for supply of certain information of the family members whether the "Madaka" family belong to Konda Kapu (ST) caste or not in Orissa State.

In reply to the said letter, the Deputy Collector, G&M Section, Collectorate, Rayagada, Orissa State has sent his report vide Ir.Nr. 403/09, dated 28-01-2009 and it is stated that the grand father of Madaka Narendra Kumar and their family belong to "Konda Kapu" and the name of the caste not available in the SC & ST list of Government of Orissa as per SC & ST orders (Amendment) Act 1976 and that the caste "Konda Kapu" comes under Socially and Economically Backward Classes as per G.O.No. 25455, dated 10-09-1993 of Government of Orissa.

The Government of India have issued instructions at para 2 (ii) in circular No. 35/1/72 RSCTV, dated 02-05-1975 which is as follows.

Where a person migrates from one state to another, he can claim to belong to a scheduled caste or Scheduled Tribe only in relation to the state to which he originally belonged and not in respect of the state to which he has migrated".

The Revenue Divisional Officer, Parvathipuram has requested to place the matter before District Level Scrutiny Committee for further enquiry on the ST "Konda Kapu" social status of "Madaka" family members.

Accordingly the Collector & District Magistrate, Vizianagaram has entrusted the matter to the District Level Scrutiny Committee for enquiry.

The District Level Scrutiny Committee took up the case for enquiry and submitted report on 21-1-2011 in the reference 2nd read above. The District Level Scrutiny Committee report as detailed hereunder.

The Committee Members enquired Sri Narendra Kumar and he has given reply to the Members of the Committee as detailed below:

Questions Asked by the Enquiry Officer	Replies of Madaka Narendra Kumar
BC Welfare Officer Vizianagaram 1. In Orissa Kondakapu is in the BC list but why he has secured the Kondakapu (ST) certificate in Andhra.	Madaka Narendra Kumar stated that his grand father was migrated from Orissa to AP in 1962 and their caste was noted as Kondakapu in Orissa state which comes under ST. He stated that his father originally belongs to Kondakapu and he hails the same from his father. The AP High Court in the year 1989 has given judgement in favour of his grand father as Konda kapu and the same will be applicable to him also he further stated that he was born in Andhra and he has no relation with Orissa.
2 Your grand father migrated from Orissa to AP in the year 1962 and ever since his migration any of your family members got marriages with Konda kapu (ST)	Narendra Kumar replied that no marriages were performed with Konda kapu community.
3 What are the traditions and customs performed during Death and Birth occasions in Kondakapu community.	Narendra Kumar stated that 5 months after the birth scars of burnt iron rod will be kept below the stomach to the child. At the time of the death the dead body will be taken to burial ground and keep the items favourable to the dead person, and after wards the body will be burnt as per Hindu Customs.
4 Whether any burning scar was placed after your birth.	He replied no and the customs followed upto his father only.

<u>Deputy Director (IW)</u>	He replied that he has no gotram and also stated that gotras will be prevailed in Konda Kapu or not is not known to him. He also replied that he does not know the surnames as he is born in Salur town.
2. in Konda kapu community whether the wife of the elder brother after his death, the widow sister -in-law intum be married by the younger brother.	He replied no
3. Whether exchange of marriage ie the brother and sister of one family will marry brother and sister of the other family.	He replied that no such marriages took place in their family .
4. During good and Bad occasions with whom they dine and whom they dont dine.	He stated that during good occasions they dine with all the communities except those upper castes like Brahmin, Vysyas, Karanams, Pedakapu etc.
5. In Konda kapu community in what occasions dif ferent festivals are performed.	The main festival is Dola Poomima and that they perform all the Hindu festivals and their family goddess is Agni Gangamma.
<u>Joint Collector & Chairman, District Level Scrutiny Committee/Vizianagaram</u>	He replied that he does not know.
1. None of your family members got marriages with any of the Kondakapu community people why?	
2. whether your grand father has any brothers and sisters.	He replied that his grand father is the only son to his great grandfather Mallanna

Sri Madaka Narendra Kumar S/o late Venkata Rao during the District Level Scrutiny Committee enquiry has stated that his forefathers resided in a small village called Hastekal in Koraput district now in Rayagada District, Orissa state.

His grand father belongs to "Konda Kapu" Caste and he married Meesala Savitri D/o Pydayya of Salur who belongs to Turukapu caste in the year 1955. His grand father got 4 sons and a daughter and his father Madaka Venkata Rao is the eldest son who married Thota Lakshmi D/o Lakshmana Rao of Bobbili belongs to Turpu Kapu in the year 1981 in Salur. Madaka Narendra Kumar stated that his father studied up to B.Com in Bobbili and B.Ed, in Vizianagaram, his mother studied up to 10th class but not passed. At the time of marriage his father's age is 24 years and they got 2 sons and he is the elder of the two and his brother name is Raghavendra Kumar now studying final year BA in Government Degree College, Saluru. In his brother's TC his caste was noted as "Konda Kapu" but he has not taken the Konda Kapu certificate.

Madaka Narendra Kumar has further stated that the 2nd son of his grand father Balaji is Sanyasi Rao and married Penki Jayalaxmi D/o Appalaswamy of Orissa state and they belong to

"Turupu Kapu" caste. The 3rd issue of his grand father is Madaka Bhavani and she got marriage with Mahanthi Ramabu of Salur belongs to "Jatapu Kapu" caste. The fourth one Madaka Sankara Rao who died with out marriage and the 5th issue is Sri Madaka Gowri Prasad who got marriage with Tarlada Bagarulakshmi belongs to "Kapu" caste.

Further, he has stated that Sri Madaka Venkata Rao i.e his father has been issued Konda Kapu ST certificate vide D.Dis. No. 358/89 D dated 05-03-1989 by the M.R.O, Salur mentioning that "In pursuance of the High Court of A.P, Hyderabad in SA No. 679 of 1986 dated 31-08-1988. Basing on the above Konda Kapu (ST) certificate his father got employment as Sub inspector and while his father working as Sub inspector of Police died on 20-03-2007 in Visakhapatnam.

Sri Narendra Kumar stated that after the death of his father he was given posting as Jr. Assistant in November 2007 in deceased quota (Compassionate grounds) when he went to Agricultural Department for joining they took all the original certificates and sent to RDO Parvathipuram for enquiry and as a result he attended before the District Level Scrutiny Committee for enquiry on his social status.

In view of the above, the members of District Level Scrutiny Committee opined that according to Circular Memo No. 35/1/72 RSCTV, dated 02-05-1975 of Government Para (II), where a person migrates from one state to another, he can claim to a Scheduled Caste or Scheduled Tribe only in relation to the State from which he has migrated. Sri Madaka Balaji migrated from Orissa to Andhra Pradesh and Konda Kapu caste comes under SEBC Community in Orissa. Since Madaka Balaji, Grand father of Madaka Narendra Kumar belongs to BC community and not Scheduled Tribe, Sri Madaka Narendra Kumar also belongs to BC Community. In view of the facts the District Level Scrutiny Committee recommended for cancellation of (ST) Konda Kapu certificate issued by the Tahsildar Salur vide R.Dis. 2210/92, dated 21-07-1992 to Madaka Narendra Kumar S/o Madaka Venkata Rao.

The Tahsildar, Rayagada, Orissa state in his letter no. 403/09 dated 28-01-2009 reported that as per the statement of local people and the certificate of Sarpanch Hasekal Madaka Narendra Kumar and his family belongs to Konda kapu caste which does not come under ST, as there is no such caste is available in the list of SC&ST Government of Orissa as per the SC&ST (Amendment) Orders Act 1976. It reveals from the SEBC list of Orissa that Kondakapu belongs to SEBC category at Sl.No. 78 as per GO. No. 25455 at 10-09-1993 of Government of Orissa.

The grand father of Sri Madaka Narendra Kumar i.e. Madaka Balaji originally belong to Orissa state and was migrated from Hastekal village of Rayagada Taluk in Orissa state to Salur in 1962. "Kondakapu" caste in Orissa state comes under socially and economically backward class as per GO.Ms.No. 25455, dated 10-09-1993 of Government of Orissa.

Sri Madaka Narendra Kumar or his family never followed the traditions and customs of tribals. Their family got marital relations with other than Scheduled Tribes i.e. Kapu, Turpukapu and Gajula Kapu with surnames i.e "Meesala", "Ihota", "Tarlada" etc.,

In the reference 3rd read above, the individual again represented in Grievance Cell on 7-2-2011. In the reference 4th read above, the individual has been called duly giving an opportunity of making representation before passing final orders U/s 5(1) of the Act of 16 of 1993 and rules there in issued in 1997.

The individual has appeared before the Collector & District Magistrate, and submitted written explanation to the notice issued U/s 5(1).

The individual has submitted written explanation stating that his Grand father Madaka Balaji S/o late Mallam Naidu is originally resident of Hasteikal village in Rayagada Taluk, Orissa state originally belong to Konda kapu community and in 1962, he has migrated to Salur, which is absorbed into Vizianagaram District in the year 1979-80 and further submitted that in Andhra Pradesh Kodha Kapu caste has been notified as Scheduled Tribe and after the migration of his Grand Father amendments taken place in Orissa state regarding the Social status of Konda Kapu caste which are not applicable to him and further requested to permit him to join the job in the office of the Joint Director ,Agriculture, Vizianagaram pending decision of his Social status.

The explanation examined and it is found that the individual could not submit any material evidence in support of his claim to substantiate that he belongs to Konda Kapu, ST community of Andhra Pradesh state.

According to circular Memo. No. 35/1/72RSCTV dated 2-5-1975 of Govt. Para II, where a person migrates from one state to another, he can claim to a schedule caste or schedule tribe only in relation to the state from which he has migrated Sri Madaka Balaji migrated from Orissa. Hence, he belongs BC community, according to GO Ms.No. 25455, dated 10-09-1993 of Government of Orissa "Konda Kapu" caste in Orissa state comes under socially and economically backward class. Hence, Madaka Venkata Rao S/o Balaji and Madaka Narendra Kumar S/o Venkata Rao also belong to economically backward class only.

In view of the above, it is concluded that Sri Madaka Narendra Kumar does not belong to scheduled tribe, Belongs to economically backward class, keeping in view of the above point the Caste certificate issued to Mr. Madaka Narendra Kumar vide R.C.No. 2210/92 No. dated 21-7-1992 of the Tahsildar, Salur is hereby cancelled Under section 9 (1) of the Act of 16/1993.

M. VEERABRAHMAIAH,
Collector & District Magistrate
Vizianagaram.

NOTIFICATION

In exercise of the powers conferred under sub-rule 7 of Rule 9 of A.P. (SCs, STs & BCs) issue of Community, Nativity and Date of Birth Certificates Rules , 1997 communicated vide G.O.Ms.No. 58, SW(J) Department, dated 12-05-1997 read with section 5 (1) of A.P. (SC/ST/BC) Regulation of issue of Community Certificates Act, 16/93, the Konda Kapu (ST) Certificate issued to M. Narendra Kumar, S/o late Venkata Rao, Chintala Veedhi, Salur town, Vizianagaram District by the Mandal Revenue Officer, Salur vide R.C.No. 2210/92 No. dated 21-7-1992 of the Tahsildar, Salur, Vizianagaram District is hereby cancelled as M. Narendra Kumar, S/o late Venkata Rao, Chintala Veedhi, Salur town, Vizianagaram District does not belong to Konda Kapu (ST) Community.

M. VEERABRAHMAIAH,
Collector & District Magistrate
Vizianagaram.

[M RCN. 16/2011]